

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRIS E. TURNER,

Plaintiff,

v.

**CITY OF AUBURN, a municipality of
The State of Alabama; LARRY
LANGLEY, an individual; LEE LAMAR
an individual; BILL HAM, JR., an
individual; STEVE A. REEVES, an
individual; DAVID WATKINS, an
individual; CHARLES M. DUGGAN,
an individual; and CORTEZ
LAWRENCE, an individual,**

Defendants.

CV: 3:07-162-MEF

CWH'S MOTION FOR PROTECTIVE ORDER

CWH Research, Inc. ("CWH") moves this Court to issue a protective order as further described herein. In support of this motion, CWH would show as follows:

1. By order dated February 8, 2008, the City of Auburn was allowed to proceed with a proposed amended third party complaint adding CWH as a party to this civil action.

2. CWH appeared in this civil action on February 21, 2008.

3. By prior order, dispositive motions are due to be filed by April 2, 2008 and discovery is to be concluded by June 17, 2008.

4. In apparent anticipation of the eminent dispositive motion due-date, the City of Auburn served on CWH a deposition notice noticing the plaintiff's deposition for March 10, 2008. A copy of that deposition notice is attached hereto. The City of Auburn has agreed to put up a "30(b)(6) witness on Friday, March 14, although the undersigned has not seen a 30(b)(6) notice.

5. The undersigned has been involved in various pieces of correspondence during which the deposition of the plaintiff and the City of Auburn's "30(b)(6)" deposition have been discussed. The undersigned has agreed to participate in those depositions on the condition that CWH not be prevented from deposing the plaintiff and the City of Auburn's "30(b)(6)" representative at a later date. The undersigned believes that all parties have agreed on this point.

6. Nonetheless, and principally out of respect for the Court's scheduling order (which is subject to a motion by CWH to vacate), CWH seeks a protective order that preserves CWH's right to depose the plaintiff and the City of Auburn while still participating in the plaintiff and the City of Auburn's depositions that are slated for March.

7. Given the timing of the addition of CWH as a party, the factual complexities involved in the case, and the brief amount of time that spans

CWH's appearance and the scheduled depositions, CWH would be prejudiced if it were denied the opportunity both to participate in the scheduled depositions and nonetheless take the plaintiff and the City of Auburn's depositions at a later date.

8. Neither the plaintiff or any other defendant will be prejudiced if the Court were to provide CWH such protection.

9. Counsel for all other parties have informed the undersigned that they consent to the relief requested herein.

WHEREFORE, CWH moves this Court to issue a protective order that allows CWH to participate in the plaintiff and the City of Auburn's depositions while preserving CWH's right to depose the plaintiff and the City of Auburn at a later date.

/s/ William K. Hancock
William K. Hancock

/s/ Ray A. Carle
Ray A. Carle

Attorneys for CWH Research Company

OF COUNSEL:
ADAMS & REESE LLP
2100 3rd Avenue North, Suite 1100
Birmingham, AL 35203
Telephone: (205) 250-5000

Facsimile: (205) 250-5034

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2008, I electronically filed same using the Alafile system which will electronically notify all attorneys of record.

Richard F. Horsley
King, Horsley & Lyons, LLC
1 Metroplex, Suite 280
Birmingham, AL 35209

Jeffrey W. Bennit
P.O. Box 383063
Birmingham, AL 35238-3063

Wanda D. Devereaux
Devereaux & Associates
2800 Zelda Road, Suite 200-2
Montgomery, AL 36106

Randall Morgan
Hill Hill Carter
P.O. Box 116
Montgomery, AL 36101-0116

/s/ William K. Hancock
OF COUNSEL